

Attorney Docket No. RSW920040131US1
Serial No. 10/711,981
Response to Office Action mailed 1/12/07

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I. CLAIM AMENDMENTS

1. (Currently amended) A process for allocating a resource by a service provider having a plurality of service level agreements with a plurality of customers in a shared computing web application environment in which a web application server retrieves data from a database and transmits data in the form of a web page to a plurality of consumer computers, the process comprising:

classifying a plurality of customers into a plurality of premium customers and a plurality of standard customers where a premium customer is entitled to a first compensation rate when there is a breach of a premium customer's service level agreement, where a standard customer is entitled to a second compensation rate when there is a breach of the standard customer's service level agreement, and where the second compensation rate is less than the first compensation rate;

responsive to a profiling tool indicating that the premium customer's available resource cannot provide an agreed service level resulting in a the breach of the premium customer's service level agreement; determining if the resource has been allocated to a customer that is not using the resource;

responsive to determining that the resource has not been allocated to the customer that is not using the resource, determining if the resource has been allocated to a standard customer; and

responsive to determining that the resource has been allocated to the standard customer, re-allocating the resource from the standard customer to the premium customer;

Attorney Docket No. RSW920040131US1

Serial No. 10/711,981

Response to Office Action mailed 1/12/07

~~determining the minimum total rebate payable by the service provider for the breach;~~

wherein the profiling tool collects ~~a plurality of performance data~~ a retrieval rate from a web application server to a database, a time to request and return a displayed web-page, and a number of users that an application can manage by tracking and timing a plurality of transactions within the shared ~~computing~~ web application environment; and

wherein a decision to re-allocate the resource from the standard customer to the premium customer is based on ~~the plurality of performance data~~ the retrieval rate from a web application server to a database, the time to request and return a displayed web-page, the number of users that an application can manage, a plurality of customer information, a target list of standard customers, the status of the standard customer, and the status of the premium customer.

2. (Currently amended) A data processing machine for allocating a resource by a service provider to a premium customer in a shared ~~computing~~ web application environment in which a web application server retrieves data from a database and transmits data in the form of a web page to a plurality of consumer computers, the machine comprising:

a processor;

a memory;

a service level agreement stored in the memory, the service level agreement setting a threshold performance level for ~~the a~~ a resource and a penalty for failing to meet ~~the a~~ a threshold performance level;

means for causing the processor to measure a performance level of the resource; and

means for causing the processor to compare the performance level of the resource with the threshold performance level; and

Attorney Docket No. RSW920040131US1

Serial No. 10/711,981

Response to Office Action mailed 1/12/07

responsive to determining that the performance level does not meet the threshold

performance level, means for determining if the resource has been allocated to a

customer that is not using the resource,

responsive to determining that the resource has not been allocated to the customer that

is not using the resource, determining if the resource has been allocated to a the

standard customer, and

responsive to determining that the resource has been allocated to a standard customer,

re-allocating the resource from the standard customer to the premium customer,

~~determining the minimum total rebate payable by the service provider for the breach;~~

and

wherein a decision to re-allocate the resource from the standard customer to the premium

customer is based on the measurement of the performance level ~~plurality of~~

~~performance data, a plurality of customer information,~~ a target list of standard

customers, the status of the standard customer, and the status of the premium customer;

and

wherein a plurality of data measured to determine the performance level includes a retrieval

rate from the web application server to the database, a time to request and return a

displayed web-page, and a number of users that a web application can manage.

3. (Currently Amended) A program, encoded in a computer-readable medium, for allocating
a resource to a premium customer by a service provider in a shared computing web application
environment in which a web application server retrieves data from a database and transmits data
in the form of a web page to a plurality of consumer computers, the program comprising:

Attorney Docket No. RSW920040131US1

Serial No. 10/711,981

Response to Office Action mailed 1/12/07

means for determining if a utilization of the resource has caused a breach of a service level

agreement with the premium customer;

means for determining if the resource has not been allocated to an any customer that is not

using the resource;

responsive to determining that the resource has not been allocated to the any customer that is

not using the resource, means for determining if the resource has been allocated to a

standard customer where ~~a~~ the standard customer has a standard customer penalty for a

breach of a standard customer's service level agreement; and

responsive to determining that the resource has been allocated to a standard customer, means

for re-allocating the resource from the standard customer to the premium customer;

~~determining the minimum total rebate payable by the service provider for the breach; and~~

wherein a decision to re-allocate the resource from the standard customer to the premium

customer is based on ~~the plurality of performance data, a plurality of customer information a~~

retrieval rate from the web application server to the database, a time to request and return a

displayed web-page, a number of users that a web application can manage, a target list of

standard customers, the status of the standard customer, and the status of the premium customer.